IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 5294 of 1996

Between:

Ponukumati Venkata Subbayya S/o late Mallaiah
Srungavruksham Palkoderu mandal West Godavari Dist

..... PETITIONER

AND

1 Government of Andhra Pradesh rep. by its

Secretary, Social Welfare Department,
Secretariat Buildings, Hyderabad
2 Government of Andhra Pradesh rep. by its Secretary,

Revenue Department,
Secretariat Building , Hyderabad
3 Commisioner of Endowmetns,
Tilak Road, Hyderabad
4 The District Collector, Eluru
West Godavari Dist
5 The Mandal Revenue Officer Palakoderu Mandal,
West Godavari Dist
6 Exeutive Officer, Sree Malleswara Swamy Vari Temple,

Srungavruksham, Palakonderu mandal, West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly in the nature of a writ of Mandamus directing the respondents herein not to dispossess the petitioner herein from the land of an extent of Ac. 4.75 cents covering Survey No. 309/1 situated at Srungavruksham Village, Palakonderu, Mandal West Godavari District by declaring G.O.Ms.No.456 Revenue (Endowment-II) Department dt. 29/09/1995 as illegal,

arbitrary and violative of the Provisions of the land Acquisition Act and Article 300A Constitution of India

Counsel for the Petitioner: MR.V.AJAYAKUMAR

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following:

ORDER:

The petitioner claiming to be Archaka of Malleswara Swamyvari temple, Srungavruksham, Palakoderu Mandal, West Godavari District, has filed this writ petition seeking directions to the respondents not to dispossess him from the land admeasuring Ac.4-75 cents covered by Sy.No.309/1 situated at Srungavruksham Village, Palakoderu Mandal, West Godavari District and further, he has also questioned the G.O.Ms.No.456 Revenue (Endowment-II) Department, dated 29.09.1995, which was issued for acquisition of the lands belonging to the Charitable, Hindu Religious Institutions and Endowments for the purpose of providing house sites to the weaker sections .

It is submitted by the learned counsel for the respondent that so far as the validity of the said G.O.Ms.No.456 is concerned, the same was upheld by a learned Single Judge of this Court in V.V.Seetarama Sastry Vs. State of A.P.

In the instant case, notification was not issued to acquire the land in question. Only on an apprehension, the petitioner has filed the

writ petition seeking the relief.

In that view of the mater, I dispose of the writ petition directing the respondents not to disturb the possession of the petitioner over the land in question otherwise than in accordance with law, and in case, if the land in question is notified for acquisition, it is open for the petitioner to question the same. No order as to costs.

_____ (R.SUBHASH REDDY, J)

08.02.2005

DR

To

1 The Secretary, Government of Andhra Pradesh,

Secretary, Social Welfare Department,
Secretariat Buildings, Hyderabad
2 The Secretary, Government of Andhra Pradesh,

Revenue Department,
Secretariat Buildings, Hyderabad
3 The Commisioner of Endowmetns,
Tilak Road, Hyderabad
4 The District Collector, Eluru
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West Godavari Dist
6 The Executive Officer, Sree Malleswara Swamy Vari Temple,

Srungavruksham, Palakonderu mandal, West Godavari District

7 2 CCs to Government Pleader for Endowments, High

Court Buildings, Hyderabad. 9OUT)

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